

**785-801 Milner Avenue - Zoning Application - Final Report**

<b>Date:</b>	June 4, 2007
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 42- Scarborough-Rouge River
<b>Reference Number:</b>	File No. 05 208409 ESC 42 OZ

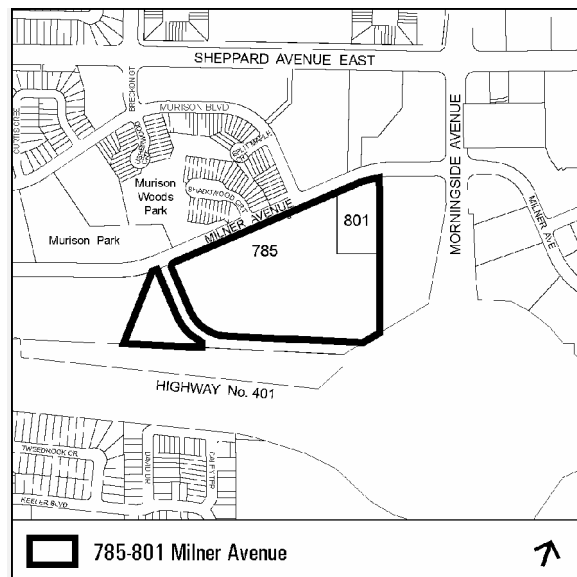
**SUMMARY**

This report reviews and recommends approval of an application to amend the zoning by-law for a shopping centre at 785 Milner Avenue and for an abutting industrial site at 801 Milner Avenue which is proposed to be added to the shopping centre. The addition will allow the expansion of an existing Wal-Mart store from 12 265 to 17 494 square metres (132,000 to 188,000 square feet).

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 24982, the Employment Districts Zoning By-law, substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 5; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.



## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The present shopping centre was rezoned for this use from Industrial in 1994. A holding (H) zone was put in place to ensure the construction of Cineplex Drive and improvements and signalization of the intersections most heavily impacted by traffic from the development. These works were completed or secured and the holding zone was lifted the following year.

The Cineplex was the first major tenant. The Wal-Mart was constructed in 2003. A total of 6 variances were approved for the site during 2002-2004, mostly for small additions to gross floor limits for uses within the store and for adjustments to the parking requirements for these uses.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to expand the existing Wal-Mart store in the Smart Centres (formerly First Pro) shopping centre from a gross floor area of 12 265 to 17 494 square metres (132,000 to 188,000 square feet). To facilitate this expansion, an industrial site at 801 Milner Avenue will be incorporated into the shopping centre site. This added site will also enable the loading area for the Wal-Mart to be relocated to the north side of the store, with access to Milner Avenue (Attachment 1: Site Plan).

### **Site and Surrounding Area**

The present size of the shopping centre is 8.9 hectares (21.2 acres). It has a frontage of 324 metres (1,063 feet) on Milner Avenue. The south boundary is Cinemart Drive, a public street, which in its western part divides off a small part of the shopping centre site. The principal tenants are the Wal-Mart store and a Cineplex movie theatre. There are also smaller stores and restaurants.

The proposed one hectare (2.4 acres) addition to the shopping centre is now occupied by a vacant industrial building.

Across Milner Avenue to the north are street townhouses on Milner Avenue, Murison Boulevard and Shadowood Court. Further to the west are Murison Park and two elementary schools.

To the west are industrial properties. To the east is the Teleglobe property and the Highway 401 westbound on-ramp at Morningside Avenue.

To the south is Cinemart Drive and Highway 401.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The subject application is consistent with the PPS and conforms with the Growth Plan for the Golden Horseshoe.

### **Official Plan**

The site is designated Employment Districts by Map 2: Urban Structure and Employment Areas by Map 22: Land Use. The Plan provides for large scale, stand-alone retail stores and “power centres” fronting onto major streets as shown on Map 3 that also form the boundary of the Employment Areas. This section of Milner Avenue is a major street and the site is at the boundary of the Employment Area.

New large scale stand-alone retail stores and “power centres” are to ensure that sufficient transportation capacity is available and that the functioning of economic activities in the Employment Areas and the economic health of nearby shopping districts are not adversely affected.

### **Zoning**

The Milner Centre is zoned Mixed Employment (ME), permitting retail uses, restaurants, financial institutions, places of worship and industrial uses. By exception, places of entertainment, hotels and open storage and the outdoor display of goods are also permitted.

The maximum gross floor area for all uses is stated in the zoning by-law as 19 300 square metres (208,000 square feet), except for hotels, places of worship, offices and industrial uses. The parking standard is a minimum of 5.0 spaces per 100 square metres for financial institutions, personal service shops and retail stores. The standard for retail stores exceeding 10 000 square metres is 6.0 spaces per 100 square metres.

The maximum gross floor area of all uses excepting hotels, places of worship, offices and industrial uses is now 22 690 square metres (207,750 square feet). The minimum parking required is 1,214 spaces, which is the number currently provided.

The provisions of the by-law apply collectively to all parts of the Milner Centre site, notwithstanding its division into two or more parcels of land (Cinemart Drive divides the westernmost part of the site from the rest).

The 801 Milner Avenue site is zoned Industrial (M), permitting industrial uses. The ownership of this property has been transferred to Calloway REIT, now the owner of the shopping centre, so that the 785 and 801 Milner parcels now form a single property.

### **Site Plan Control**

Both properties are subject to site plan control. The shopping centre is subject to an existing site plan control agreement. A site plan application has been submitted covering both properties.

### **Community Consultation**

A community consultation meeting was held on March 8, 2006, attended by the ward councillor and his staff, the applicant and his traffic consultant, and planning staff. One person from the community attended. A member of a law firm representing Loblaw Properties also attended.

No issues with the proposal were raised by the community member. The Loblaw representative enquired whether market and traffic reports had been prepared in support of the application.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

### **Urban Design**

Pre-application meetings were held with the applicant prior to making the application. An earlier version of the project showed a parking structure to the north of the Wal-Mart expansion. Staff did not support this because the blank wall of this structure would have faced Milner Avenue. Access to the garage would also have been difficult. A subsequent version of the site plan showed a large parking structure to the west of the Wal-Mart store, but this was determined to be infeasible because of the extensive relocation of underground services which would have been required.

Staff's principal urban design objective for the property has been the continuation of the established high quality streetscape along the Milner Avenue edge of the property. Staff

have also sought reinforcement of the landscaping at the entry points from Milner Avenue and widening of the traffic islands in the parking area to accommodate more trees. The design incorporates a new and improved façade for the Wal-Mart store, as well as a different exterior colour. Details will be finalized as part of site plan approval.

## **Traffic**

A traffic study has been undertaken by the applicant's transportation consultants. The study concludes that the existing road network can support the proposed development. Signal timing at intersections on Milner Avenue will need to be optimized. No significant impact is forecast on the residential area to the north.

## **Parking**

The parking standards for the site were set at a high level a decade ago (5 and 6 spaces per 100 m<sup>2</sup> for the Wal-Mart). The parking regulations have become increasingly complex as a result of the multiple variances. At the suggestion of staff the applicant had a parking study undertaken to gauge the actual parking usage of the centre and to recommend revisions to the current standards if warranted.

The conclusion of the study recommends an overall parking rate of approximately 4.5 spaces per 100 square metres for all uses. Staff support this reduced rate, which is similar to that being applied to large new retail developments elsewhere in Scarborough, but recommend that separate rates be retained for hotels, places of worship and industrial uses, which continue to be permitted uses on the site.

At the preliminary report stage, Community Council had resolved that staff work with the applicant to ensure that landscaping and tree plantings are provided within the proposed parking areas. Reduction in the number of parking spaces enables more space to be used for landscaping.

## **Impact on Nearby Shopping Districts**

The Employment Areas policies of the Toronto Official Plan state that new large scale, stand-alone retail stores and "power centres" should not adversely affect the economic health of nearby shopping districts. Although both the shopping centre and the primary retail store have been established for years, their proposed extension to the 801 Milner Avenue site is a new element. Staff therefore requested the applicant to address the Employment Areas policies as part of the planning rationale submitted in support of the application.

The applicant's economic consultants have concluded that the expansion of the Wal-Mart store, in particular the proposed expanded food offering, will not adversely impact the economic health of such districts, in particular those with existing or proposed supermarkets, for the following reasons:

- The operational strength of Wal-Mart coupled with the accessibility and visibility of the location will attract customers from a wide area, dispersing any impacts over a wide area;

- Most shopping districts in the surrounding area are central to distinct local communities with a strong population base, whereas the Wal-Mart location is regionally oriented; and
- Population growth in the surrounding areas will act to counter impacts in some of the nearby shopping districts.

The consultants have concluded that impacts will be limited to nearby supermarkets and will be minor, with no impact on their planned function or viability.

### **Toronto Green Development Standard**

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. The use of the term ‘Green’ is intended to be associated with the concept of ‘sustainability’ or ‘sustainable development’.

The application was filed in December, 2005. The applicant has not submitted the Toronto Green Development Standard Checklist, but has indicated that green development standards will be incorporated in the following aspects of the project:

- Minimum Energy Performance
- Urban Heat Island
- Storm Water Management
- Storage and Collection of Garbage and Recyclables
- Urban Forest

### **Zoning Regulation**

The draft zoning by-law amendment includes regulations for the proposed development addressing land uses for 801 Milner Avenue, maximum gross floor area and parking requirements for different land uses. It also includes a provision requiring the availability of municipal services (Attachment 5: Draft Zoning By-law Amendment).

### **Conclusion**

The proposal is for an expansion of an existing “power centre” on a major street at the edge of an Employment Area, as provided for by the policies of the Toronto Official Plan. The site is well served with road access, and little impact is expected on other economic activities in the Employment Area. The economic health of nearby shopping districts is not expected to be adversely affected.

The high-quality streetscape now created by the location of buildings and landscaping on the south side of Milner Avenue can be continued eastward through the newly acquired property at 801 Milner. This attractive landscaping edge provides a visual transition between the commercial uses and the residential community north of Milner Avenue. The reduced parking standard to be put in place for the proposed development will also enable increased landscaping to be placed at the entry points to the shopping centre and

throughout the parking area. These urban design details will be secured through the site plan control application.

Staff support the project and recommend the approval of the application.

## **CONTACT**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

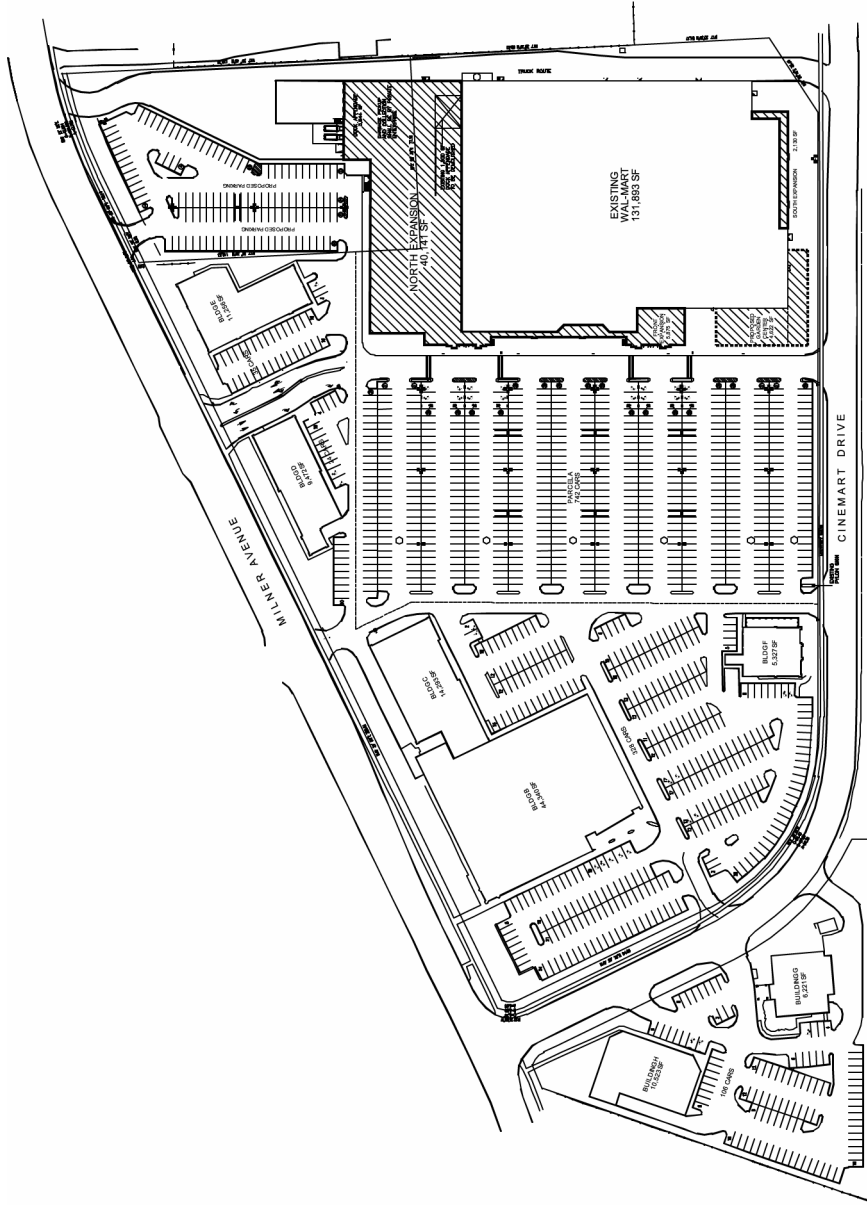
Attachment 3: Zoning

Attachment 4; Official Plan

Attachment 5: Draft Zoning By-law Amendment

Attachment 6: Application Data Sheet

# Attachment 1: Site Plan



785-801 Milner Avenue

File # 05-208409 0Z

Site Plan

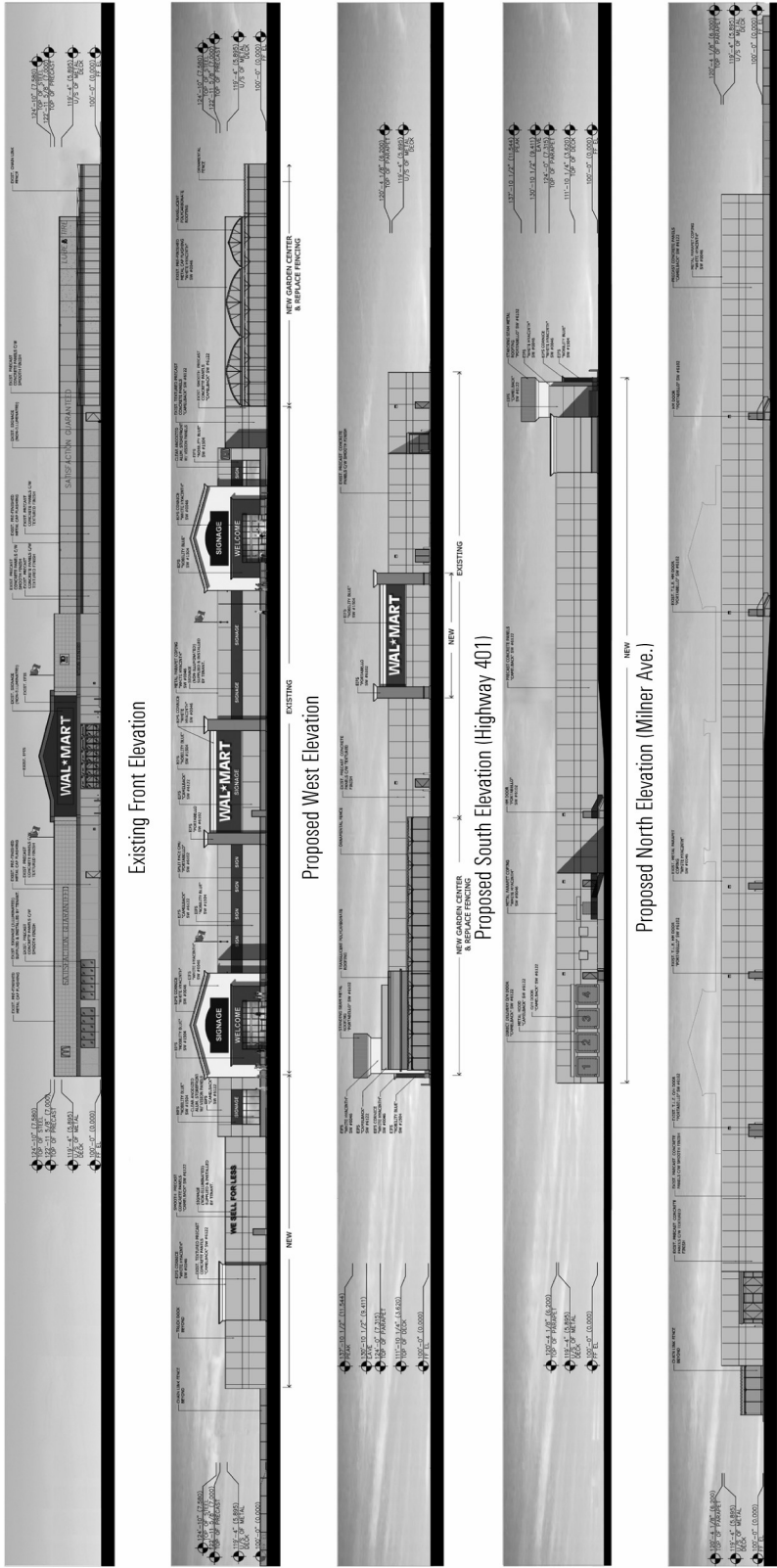
Applicant's Submitted Drawing

Not to Scale  
4/12/07





Attachment 2: Elevations



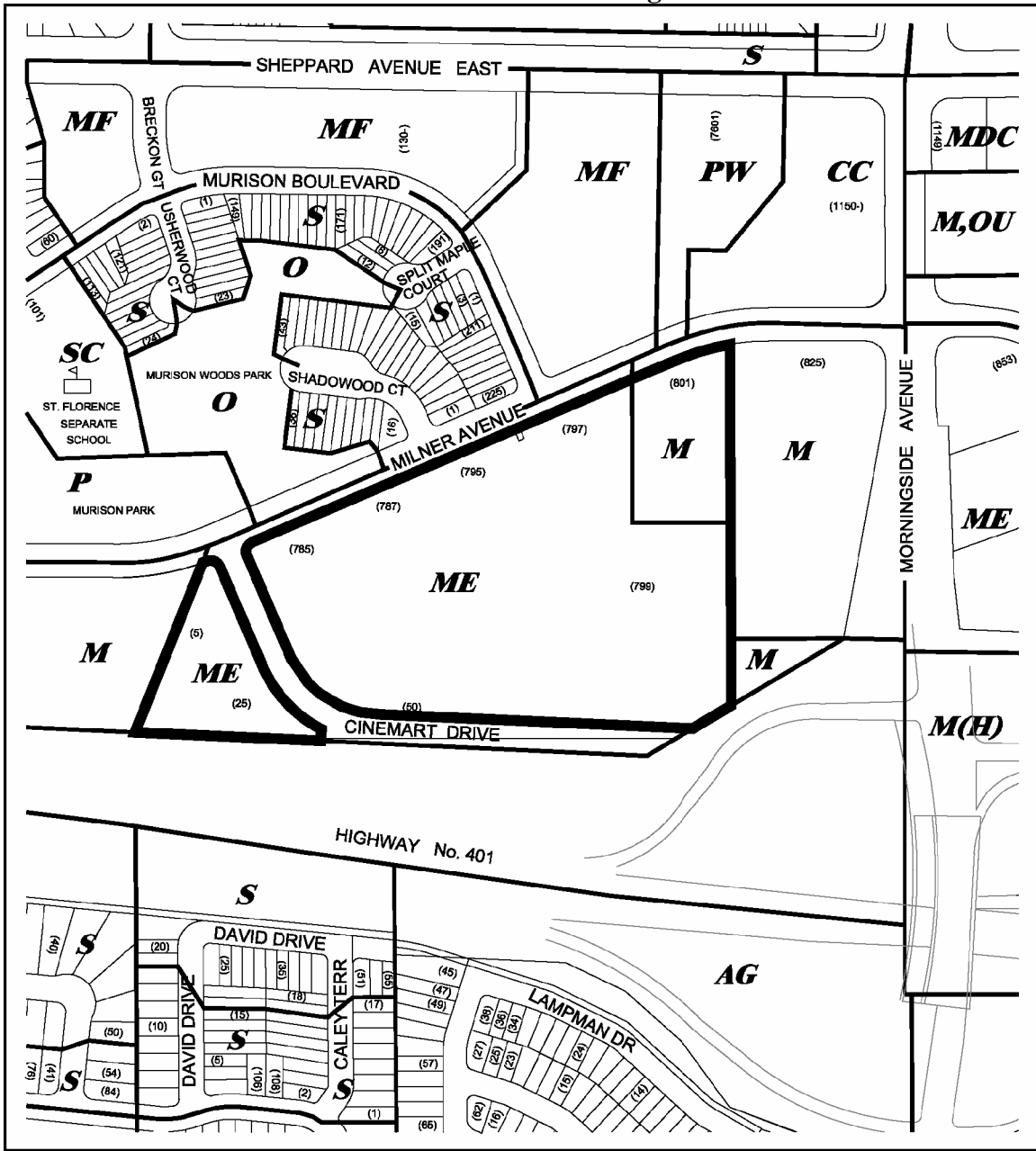
785-801 Milner Avenue

File # 05-208409 OZ

Elevation Plan  
 Applicant's Submitted Drawing

Not to Scale  
 4/12/07

### Attachment 3: Zoning



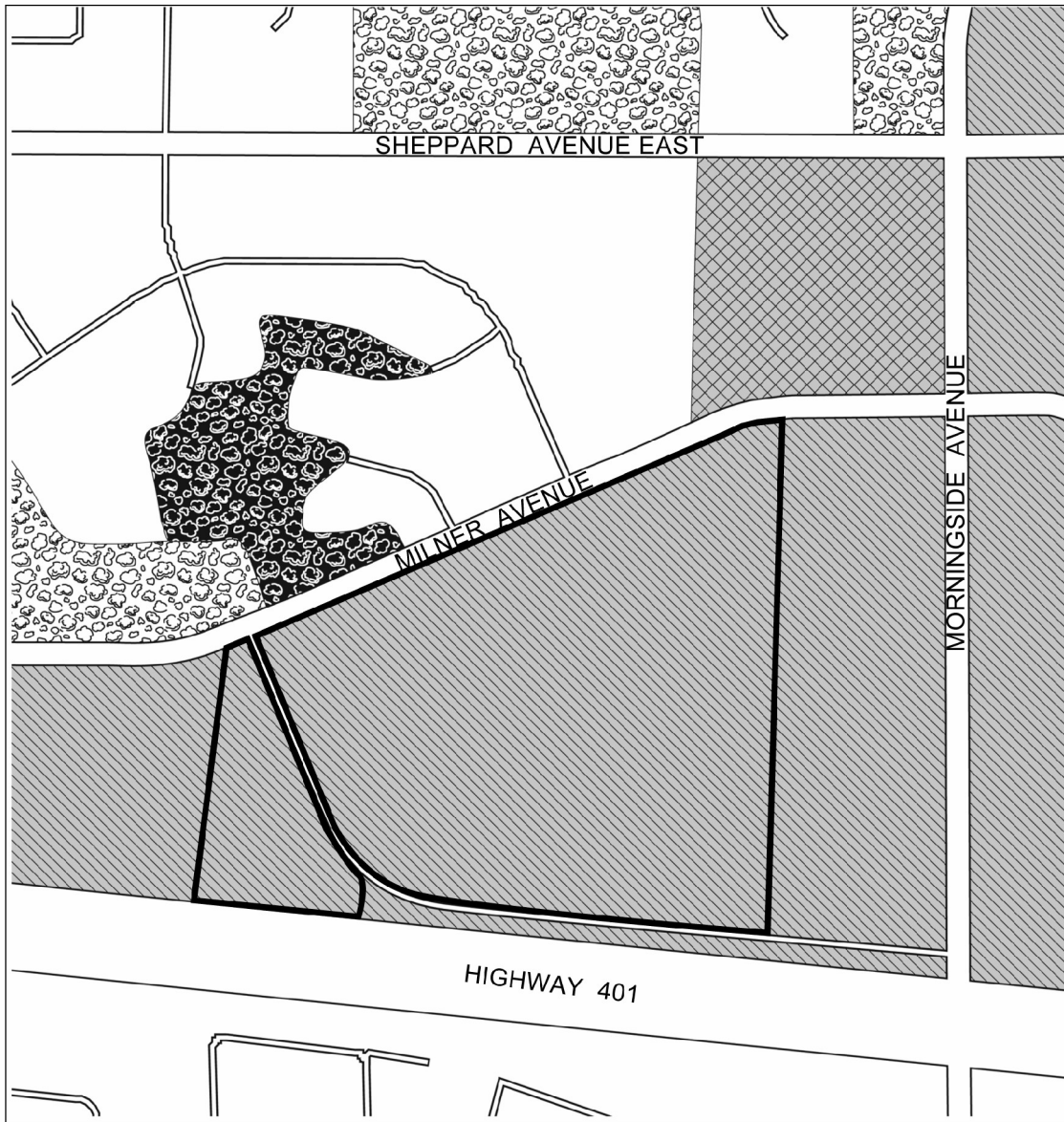
**TORONTO** City Planning  
Division  
**Zoning**

785-801 Milner Avenue

File # 05-208409 0Z

<b>M</b> Industrial Zone	<b>AG</b> Agricultural Uses	<b>CC</b> Community Commercial	Neilson Employment District By-law Not to Scale 03/15/07
<b>ME</b> Mixed Employment Zone	<b>(H)</b> Holding Provision	<b>PW</b> Place(s) Of Worship	
<b>MDC</b> Industrial District Commercial Zone	<b>S</b> Single-Family Residential	<b>O</b> Major Open Spaces	↑
<b>OU</b> Office Uses Zone	<b>MF</b> Multiple-Family Residential	<b>SC</b> School	
		<b>P</b> Parks	

## Attachment 4: Official Plan



**TORONTO** City Planning  
Division  
**Official Plan**

785-801 Milner Avenue

File # 05-208409 0Z



  
Not to Scale  
3/20/07

## Attachment 5: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2007

Enacted by Council: ~, 2007

### CITY OF TORONTO

Bill No. ~

### BY-LAW No. ~-2007

**To amend the Employment Districts Zoning By-law No. 24982, as amended,  
with respect to the lands municipally known as  
785-801 Milner Avenue**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1. Schedule 'A'** of the Employment Districts Zoning By-law is amended by deleting the current zoning and replacing it with Mixed Employment (ME) so that the amended zoning shall read as follows as shown on Schedule '1':

ME 12-161-179-212-321-324-772-917n-1054-1168-1285-1420-1640-1737-1738-1739-1853-1884-2029

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**2. Schedule 'B'**, Performance Standards Chart, is amended by replacing the existing Performance Standards 179, 212, 1285 and 1884 with the following:

#### **INTENSITY OF USE**

179. **Gross floor area** of all **Restaurants** shall not exceed 1220 m<sup>2</sup>.

212. **Gross floor area** of all uses except **Hotels, Places of Worship**, offices and **Industrial Uses** shall not exceed 27 805 m<sup>2</sup>.

#### **PARKING**

1285. Minimum 4.4 parking spaces per 100 m<sup>2</sup> of **gross floor area** for all uses except **Hotels, Places of Worship**, offices and **Industrial Uses**. A maximum of 35 parking spaces may have a reduced minimum length of 5.25 m.

## **LANDSCAPING**

1884. The Milner Avenue **street yard** shall be used for **landscaping** and vehicular access, excepting those lands formerly having the municipal address of 801 Milner Avenue, in which the first 8 m adjacent to Milner Avenue shall be used for **landscaping** and vehicular access and that part of the **street yard** at a greater distance than 8m from Milner Avenue may also be used for parking and loading.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,  
Mayor

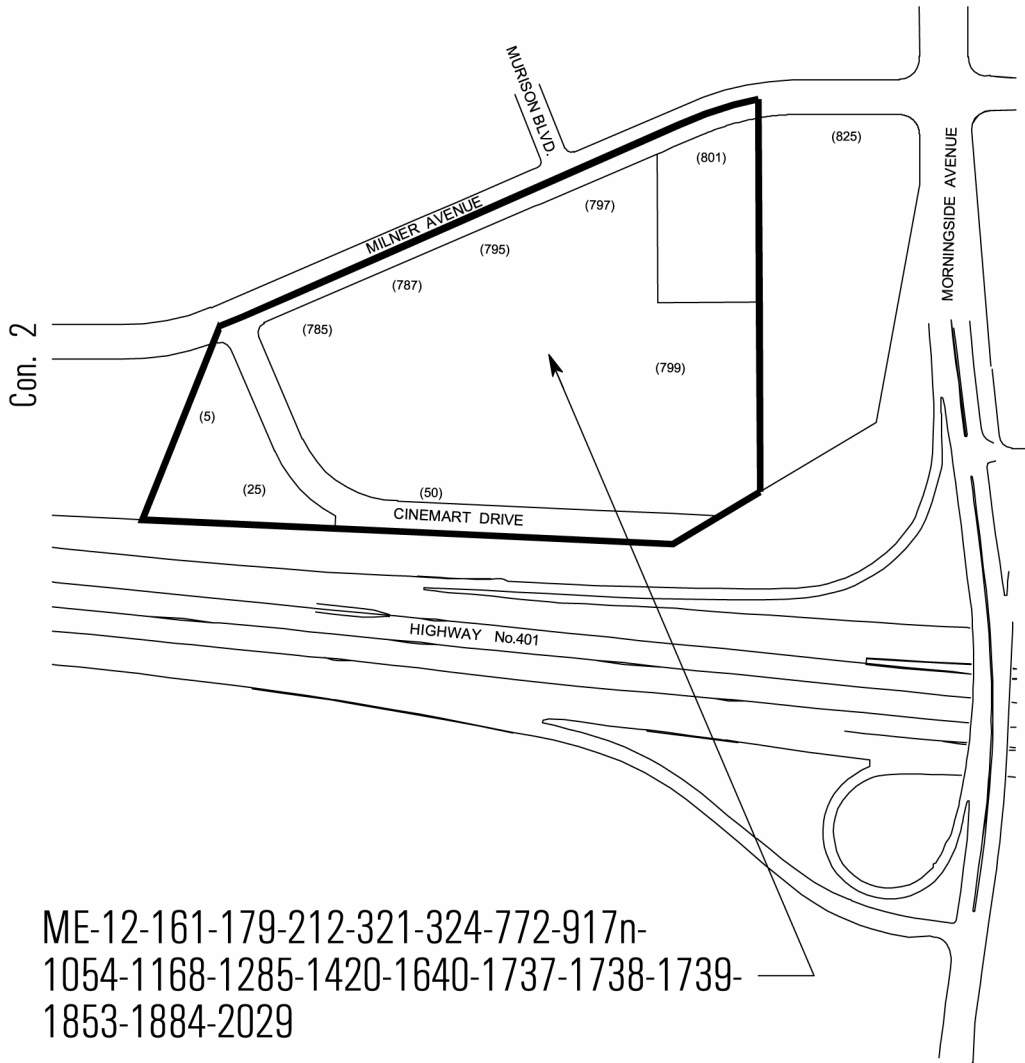
ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'

Lot 12

Lot 11



ME-12-161-179-212-321-324-772-917n-  
 1054-1168-1285-1420-1640-1737-1738-1739-  
 1853-1884-2029

**Toronto** City Planning  
 Division  
**Zoning By-Law Amendment**

785-801 Milner Avenue  
 File # 05-208409 OZ

 Area Affected By This By-Law

Neilson Employment District By-law  
 Not to Scale  
 4/13/07



## Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 208409 ESC 42 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 7, 2005

Municipal Address: 785-801 MILNER AVE, TORONTO ON M1B 3C3  
 Location Description: PL M1700 PT BLK I CON 2 PT LT11 RP 66R12958 PT OF PT 1 & PTS 2 TO 11  
 \*\*GRID E4212  
 Project Description: Expansion of the existing Walmart from 12 265 m2 to 17 494 m2 An existing 1 ha industrial site will be incorporated into the shopping centre site.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
FRASER SMITH			SMARTCENTRES

### PLANNING CONTROLS

Official Plan Designation:	Employment Uses	Site Specific Provision:
Zoning:	ME-Mixed Employment	Historical Status:
Height Limit (m):	0	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	98969	Height:	Storeys:	1
Frontage (m):	360		Metres:	5.9
Depth (m):	n/a			
Total Ground Floor Area (sq. m):	27803			<b>Total</b>
Total Residential GFA (sq. m):	n/a		Parking Spaces:	1235
Total Non-Residential GFA (sq. m):	27803		Loading Docks	0
Total GFA (sq. m):	27803			
Lot Coverage Ratio (%):	28.1			
Floor Space Index:	0.28			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	n/a	Residential GFA (sq. m):	0	0
Bachelor:	n/a	Retail GFA (sq. m):	27803	0
1 Bedroom:	n/a	Office GFA (sq. m):	0	0
2 Bedroom:	n/a	Industrial GFA (sq. m):	0	0
3 + Bedroom:	n/a	Institutional/Other GFA (sq. m):	0	0
Total Units:	n/a			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>David Beasley, Principal Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-7026</b>